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13 United States District Court
14 For The Eastern District of California
15
16 Byron Chapman) No. 2:04-cv-01339-LKK-DAD
17)
18 Plaintiff,) **Joint Stipulation to Amend the**
19 vs.) **Scheduling Order to Continue the**
Pier 1 Imports (U.S.), Inc.; et al.,) **Final Pretrial Conference, Pretrial**
20) **Statement, and All Accompanying**
21) **Upcoming Pretrial Deadlines; and**
22) **Order**
23 Defendants.)
24 _____)

25 Plaintiff Byron Chapman (“Chapman”) and Defendant Pier 1 Imports
26 (U.S.) Inc., dba Pier 1 Imports #1132 (“Pier 1”) (collectively “the Parties”)
27 enter into the following stipulation:
28

Chapman v. Pier 1 Imports US; et al.

Case No. 2:04-cv-01339-LKK-DAD
Joint Stipulation to Amend the Scheduling Order to Continue the Final Pretrial Conference, Pretrial Statement, and All Accompanying Deadlines; [Proposed] Order

1 **WHEREAS**, on July 18, 2011, the Status (Pretrial Scheduling) Order set
2 the jury trial for September 11, 2012, at 10:30 a.m.. (*See* Docket No. 166).

3 **WHEREAS**, the Status (Pretrial Scheduling) Order set the Final Pretrial
4 Conference for June 11, 2012, at 2:00 p.m. (*See* Docket No. 166).

5 **WHEREAS**, the Status (Pretrial Scheduling) Order required that the
6 parties confer and file, Separate Pretrial Statement with a Joint Statement in
7 regards to the undisputed facts and disputed factual issues which remain in this
8 case, no later than May 28, 2012. (*See* Docket No. 166).

9 **WHEREAS**, Defendant Pier 1 filed its motion for summary judgment
10 on January 30, 2012. (*See* Docket No. 181).

11 **WHEREAS**, Plaintiff filed his own motion for summary judgment
12 February 10, 2012. (*See* Docket No. 186).

13 **WHEREAS**, oral argument for Plaintiff's and Defendant's respective
14 motions for summary judgment was heard by the Court on March 12, 2012.
15 (*See* Docket No. 204)

16 **WHEREAS**, following oral argument for Plaintiff's and Defendant's
17 respective motions for summary judgment, the Court's Minute Order from
18 March 12, 2012 reflects that the matters have been taken under submission
19 to the Court, with an Order to follow. (*See* Docket No. 204).

20 **WHEREAS**, Plaintiff and Defendant currently have pending motions
21 for summary judgment and the Parties believe that it would be a waste of the
22 Parties' and Court's time and resources to engage in pretrial preparation
23 when the case may be resolved by the pending dispositive motions. (*See*
24 Docket Nos. 181, 186, & 204).

1 **THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by
2 and among the Parties hereto that the final pretrial conference, pretrial
3 statement, and all other upcoming pretrial deadlines, including, but not
4 limited to the deadline to file Pretrial Statements, Joint Statement of
5 Undisputed Facts, and Disputed Factual Issues, be continued for at least
6 sixty (60) days, or until a date more convenient to the Court.
7

8 Dated: May 21, 2012

DISABLED ADVOCACY GROUP, APLC

9 /s/ Lynn Hubbard III /
10 Lynn Hubbard III, Esq.
11 Attorney for Plaintiff, Byron Chapman
12

13 Dated: May 21, 2012

HUNTON & WILLIAMS LLP

14 /s/ Roland Juarez /
15 Roland Juarez, Esq.
16 Attorney for Defendant Pier 1 Imports
17 (U.S.) Inc. dba Pier 1 Imports # 1132
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Order

IT IS HEREBY ORDERED that Plaintiff Byron Chapman's ("Chapman"), and Defendant Pier 1 Imports (U.S.), Inc. dba Pier 1 Imports #1132 ("Pier 1") (collectively "the Parties") Joint Stipulation to Amend the Scheduling Order to Continue the Final Pretrial Conference, Pretrial Statement, and all Accompanying Upcoming Pretrial Deadlines be GRANTED.

Accordingly, the Status (Pretrial Scheduling) Conference Order, Dkt. No. 166 (“PTO”), is hereby **AMENDED** as follows:

1. The final Pretrial Conference is **SET** for September 4, 2012 at 1:30 p.m. The previously set date of June 11, 2012 is **VACATED**.

2. Any party may rely on its Pretrial Statement (if any), filed in reliance on the PTO (e.g., Defendant's Pretrial Statement, Dkt. No. 208), **or** it must file an entirely new Pretrial Statement in accordance with the local rules and the PTO.

3. Trial is **SET** for December 4, 2012 at 10:30 a.m. The previously set date of September 12, 2012 is **VACATED**.

IT IS SO ORDERED.

Dated: June 6, 2012

LAWRENCE K. KARLTON
LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT